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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,368	02/23/2005	Koichi Hori	403334/TAKADA	5139
23548 7590 02/06/2008 LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			EXAMINER SONG, HOSUK	
			ART UNIT 2135	PAPER NUMBER
			MAIL DATE 02/06/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/525,368

Applicant(s)

HORI, KOICHI

Examiner

HOSUK SONG

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-9 is/are rejected.
- 7) ☒ Claim(s) 2,10,11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10525368</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,3-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakayama(US 2003/0014652).

Claim 1: Nakayama disclose an encrypted copyright medium for sale and a copyright medium identification identification database storing a copyright medium unique identification database for use in uniquely identifying the copyright medium and a cipher key database in (fig.1 and page 1[0012]). Nakayama disclose a recording medium data reading/writing device for writing data into recording medium in (fig.1 and page 2[0043]). Nakayama disclose a fingerprint authentication device for collating and identifying fingerprint data of a purchase of copyright medium (fig.4) wherein data is read from copyright medium identification database to write the copyright medium unique identification database and the cipher key database into recording medium using recording medium data reading/writing device in (page 2,[0037]). Nakayama disclose fingerprint data of the purchaser of copyright medium is read using fingerprint authentication device and fingerprint data of the purchaser, the copyright medium unique identification data, and the cipher keys are written into recording medium using recording medium data reading/writing device in (page 4 [0087-0088]).

Claim 3: Nakayama disclose an encrypted copyright medium for sale and a copyright medium identification identification database storing a copyright medium unique identification database for use in

uniquely identifying the copyright medium and a cipher key database in (fig.1 and page 1[0012]).

Nakayama disclose a recording medium data reading/writing device for writing data into recording medium in (fig.1 and page 2[0043]). Nakayama disclose a fingerprint authentication device for collating and identifying fingerprint data of a purchase of copyright medium (fig.4). Nakayama disclose an image/sound reproducer wherein data is loaded from copyright medium and recording medium into copyright medium reproducing device and a fingerprint of the purchaser of the copyright medium is read using fingerprint authentication device(page 2, [0037]) and collated with purchaser's fingerprint data of the purchaser recorded in recording medium and if the fingerprint of the purchaser and the fingerprint data of the purchaser match, encrypted data in copyright medium is decoded and reproduced by image/sound reproducer in (page 4, [0087]).

Claim 4: Nakayama disclose an encrypted copyright medium for sale and a copyright medium identification identification database storing a copyright medium unique identification database for use in uniquely identifying the copyright medium and a cipher key database in (fig.1 and page 1[0012]). Nakayama disclose a recording medium data reading/writing device for writing data into recording medium in (fig.1 and page 2[0043]). Nakayama disclose a fingerprint authentication device for collating and identifying fingerprint data of a purchase of copyright medium (fig.4). Nakayama disclose an image/sound reproducer wherein data is loaded from copyright medium and recording medium into copyright medium reproducing device and a fingerprint of the purchaser of the copyright medium is read using fingerprint authentication device(page 2, [0037]) and collated with purchaser's fingerprint data of the purchaser recorded in recording medium and if the fingerprint of the purchaser and the fingerprint data of the purchaser match, encrypted data in copyright medium is decoded and reproduced by image/sound reproducer or copied after transferring the copyright medium unique identification database and the cipher key database to another copyright medium reproducing,copying device in (page 4, [0087-0088]).

Claim 8: Nakayama disclose a recording medium into which cipher key data decoding encrypted digital data and fingerprint data of a purchaser of the encrypted digital data are written when the purchaser is purchasing the encrypted digital data in (page 1, [0011]; page 4,[0072]). Nakayama disclose a fingerprint authentication device for reading, collating, and identifying fingerprint data of a person who is to reproduce the encrypted digital data and the fingerprint data of the purchaser recorded in the recording medium, and for authorizing decoding of the encrypted digital data using the cipher key data when reproducing the encrypted digital data in (page 2, [0037]).

Claims 5,6,7,9: Nakayama disclose recording medium is smart card in (col.fig.1 and page 2, [0037]).

*Allowable Subject Matter*

Claims 2,10,11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*USPTO Contact Information*

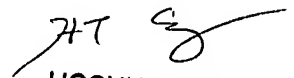
Any inquiry concerning this communication or earlier communications from the examiner should be directed to HOSUK SONG whose telephone number is 5712723857. The examiner can normally be reached on mon-fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KIM VU can be reached on 5712723859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
HOSUK SONG  
PRIMARY EXAMINER